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OFFICE OF PETITIONS

In re Application of :
Millman et al. :
Application No. 10/643,175 : DECISION GRANTING PETITION
Filed: August 18, 2003 :
Attorney Docket No. YOR920030322US1:

This is a decision on the petition under 37 CFR 1.53(e), filed January 9, 2004, requesting that the above-identified application be accorded a filing date of August 18, 2003.

On August 18, 2003, applicants deposited the above-identified application. On November 12, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date of receipt of the items.

In response, on January 9, 2004, applicants filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of 2 sheets of informal drawings on August 18, 2003. Additionally, applicants submitted a copy of the 2 sheets of drawings, consisting of Figures 1-2.

Upon review of the record, the 2 sheets of drawings deposited on August 18, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 18, 2003, included 2 drawing sheets, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including 2 drawing sheets, was complete on filing and will be granted a filing date of August 18, 2003.

Accordingly, the petition is granted.

The drawings requirement set forth in the "Notice of Incomplete Nonprovisional Application," mailed November 12, 2003, was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will not be charged.

The Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to August 18, 2003, using Figures 1-2 submitted with the present petition, and to mail a corrected filing receipt reflecting the change. The Office records should indicate that 2 sheets of drawings were submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
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